

Appl. No. 09/711,945
Amdt. Dated June 23, 2004
Reply to Office Action of May 3, 2004

REMARKS

Prior to this Amendment, claims 1-21 were pending in this application. Claim 1 is amended to clarify that the framework engine creates the request for transaction framework for a market based on attribute parameters selected and defined by a market maker. Claim 1 is further amended to call for the request processed by the request for transaction engine to comprise structured attribute information relating to the resource requirement, with the structured attribute information being defined by the market maker using the framework engine. Support for this amendment is found at least in original claims 2 and 4 (with claims 2 and 4 being canceled), which indicates no new matter is added and that the amendment does not require a new search.

Independent claim 12 is amended to call for the developing of the request for transaction framework to establish a set of relevant attributes for a market by selecting them from a set of existing market attributes based on input from a market maker. Claim 12 is further amended to include analyzing the plurality of responses based on a set of user-selectable and user-extensible attributes. Support is found in claim 14, which is amended to reflect the changes to claim 12, and at least at page 17, lines 10-13 of Applicants' specification.

Independent claim 21 is directed to a system for developing and using a request for transaction framework presented in "means plus function" form and is amended to include limitations similar to that of the claim 1 system.

Claims 1, 3, and 5-21 remain for consideration by the Examiner.

Finality of Office Action is Improper

The May 3, 2004 Office Action was made final. However, the rejection of all the claims was based on a reference not cited in the prior Office Action nor previously made of record. The amendments to the claims in the prior

Appl. No. 09/711,945
Amdt. Dated June 23, 2004
Reply to Office Action of May 3, 2004

Amendment were supported by previously pending claims and did not broaden or change the scope to the extent that a new search would have been required by the Office.

Hence, Applicants request that the finality of the May 3, 2004 Office Action be reconsidered, and the claim amendments provided in this Amendment be entered and the following remarks fully considered. The Applicants' request is supported by MPEP 706.07(a), which provides discussion of when a final rejection is improper in second or later actions.

Claim Rejections Under 35 U.S.C. §102

In the Office Action, claims 1-9, 12-18, and 20-21 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication US 2002/0128955 ("Brady"). Initially, it should be understood that Brady is only a proper 102(e) reference for the information presented according to 35 U.S.C. §112 in the Prov. Appl. No. 60/244,311. Applicants have not had an opportunity to review the contents of this provisional patent application and reserve the right to assert that the Brady reference is not a proper 102(e) reference in a next communication. With this reservation in mind, Applicants believe that claims 1, 3, 5-9, 12-18, and 20-21 (with claims 2 and 4 being canceled) are allowable over Brady, and Applicants request that the rejection of the claims be withdrawn based on the claim amendments and the following remarks.

As noted in the prior Amendment and in Applicants' specification at page 2, lines 16-22, a number of systems offer organizations the ability to use request for transaction services. In contrast, developing new transaction frameworks for these services was infeasible or prohibitively complex and expensive prior to the present, claimed invention. The ability to develop new transaction frameworks (and to modify existing frameworks) is important as it allows an organization to correct inefficiencies that occur during transactions as well as to accommodate new conditions in a market or to create request for transaction frameworks for new markets. These concepts are not

Appl. No. 09/711,945
Amdt. Dated June 23, 2004
Reply to Office Action of May 3, 2004

suggested or addressed by Brady which is addressing issues particular to derivatives.

As amended, claim 1 is directed to a system for developing and using a request for transaction framework. The system comprises a framework engine configured to enable a market maker to develop a request for transaction (RFT) framework for a market. The framework engine "creates the request for transaction framework for the particular market based on attribute parameters selected and defined by the market maker." Brady fails to teach a framework engine that generates a request for transaction framework for a market "based on attribute parameters" that are selected and defined by a framework developer. Additionally, the system of claim 1 calls for a request for transaction engine that is configured to manage requests for transactions in which the "request comprises structured attribute information relating to the resource requirement, the structured attribute information being defined by the market maker using the framework engine." Brady fails to teach that a developer can dictate the form of requests for transactions by defining structured attribute information via a framework engine. For at least these reasons, the system of claim 1 is not shown or suggested by Brady.

More particularly, the Office Action cites Brady at pages 3-4, paragraph 0037 for teaching the framework engine of claim 1. At this citation, Brady refers to Figure 2B and states that a market maker's involvement is limited to receiving indications of interest in a derivative product and then responding by providing quotes. There is no discussion of the market makers being able to select and define attribute parameters that are in turn used by a framework engine to create a request for transaction framework.

The Office Action cited (in its rejection of claim 2) Brady at page 3, paragraph 0033 for teaching the attribute feature, but claim 1 is amended to clarify that the attributes are selectable and definable by the market maker and that these attributes are used by the framework engine to create the request for transaction framework. At the citation, Brady discusses changing

Appl. No. 09/711,945
Amdt. Dated June 23, 2004
Reply to Office Action of May 3, 2004

quantity, price and buy/sell but does not teach a market maker both selecting and defining the attributes (i.e., Brady's system appears to allow definition of values but not selection of attributes themselves). Because Brady fails to teach or suggest the framework engine configured as called for in claim 1, the rejection of claim 1 is improper and should be withdrawn.

Further, Brady fails to teach the market maker being able to define structured information via the framework engine to define information contained in a request. The Office Action cites page 4, paragraph 0038 for teaching this limitation of claim 1 (see rejection of now canceled claim 4). At this citation, however, Brady is merely discussing that a derivatives market maker can control the trading by declining a submitted quote or changing a quote. There is no discussion of the Brady market maker being able to control information in a "request for transaction" input by a third party or organization by defining structured attribute information. Because this additional element of claim 1 is not shown or suggested by Brady, claim 1 is allowable over this reference.

Claims 3 and 5-9 depend from claim 1 and are believed allowable at least for the reasons for allowing claim 1. Additionally, claim 6 calls for an analysis engine that enables providers to perform an analysis framework on a plurality of requests "based on an extensible number of attributes." Further, the analysis framework is determined by the market maker using the framework engine. Hence, a market maker is able to determine what analysis framework is available to providers for analyzing received requests. Additionally, the providers can analyze the requests using such a framework with attributes that can be extended in number. Brady fails to teach each element of claim 6.

The Office Action cites Brady at pages 4-5, paragraphs 0038-0043 and 0047-0048, but Brady is discussing a market makers' ability to provide quotes (paragraph 0039) and to calculate volatilities, bid, fair, and ask values, and a quantity (paragraph 0046). There is no teaching in Brady that the market

Appl. No. 09/711,945
Amdt. Dated June 23, 2004
Reply to Office Action of May 3, 2004

maker can define the analysis framework that is then made available to providers who can extend the attributes used by the analysis framework to analyze the requests. Claim 8 provides a similar feature for analyzing responses to the requests. This feature is also not shown by Brady (with the Office Action citing the same paragraphs as it did for claim 6). For these additional reasons, claims 6 and 8 are believed allowable over the teaching of Brady.

Independent claim 12 is directed to a method with limitations similar, but in different form, to that of claim 1. Hence, the reasons provided for allowing claim 1 over Brady are believed equally applicable to claim 12. Further, claim 12 includes an analyzing step similar to that provided by the system of claim 8, and the reasons for allowing claim 8 are applicable to claim 12. Specifically, Brady fails to teach analyzing a plurality of responses based on a set of attributes that are "extensible by the user." Nothing in Brady teaches that a user can expand or add new attributes for its calculations but merely that calculation values/parameters can be set by a market maker. Further, claim 12 calls for a request for transaction framework to be developed, with such development to include establishing a set of relevant attributes "selected from a set of existing market attributes based on input from a market maker." Nothing in Brady teaches that a market maker can provide input that will vary which attributes are included in a request for transaction framework. Hence, Brady fails to teach or suggest each and every element of the method of claim 12, and claim 12 is allowable over Brady.

Claims 13 and 14 depend from claim 12 and are believed allowable as depending from an allowable base claim. Further, claim 14 is allowable for the reasons for allowing claim 6 was it allows analyzing of pending requests based on "an extensible number of user-selectable attributes." Brady fails to teach that a user can choose the number of analysis attributes or select such attributes for analyzing requests.

Appl. No. 09/711,945
Amtd. Dated June 23, 2004
Reply to Office Action of May 3, 2004

Independent claim 15 is directed to a method for developing an online request for transaction market that includes selecting relevant existing attributes, "creating new attributes", selecting an analysis framework, and developing a request for transaction based on the existing attributes AND on the newly-created attributes and selected analysis framework. Brady is cited at Figures 3D, 3E, and 4A and at pages 3-4, paragraphs 0033-0034 and 0037. However, Brady fails to teach creating new attributes and selecting an analysis framework, and therefore, cannot teach developing the request for transaction based on the new attributes and the analysis framework. Clearly, the cited quote entry screens do not teach creating new attributes or developing an online request for transaction based on an analysis framework. Brady fails to anticipate each feature of claim 15, and the rejection under 102(e) is improper and should be withdrawn.

Claims 16-18 and 20 depend from claim 15 and are believed allowable at least for the reasons for allowing claim 15. Additionally, claims 16-18 detail how a new attribute is created. Since Brady fails to teach creating a new attribute, the reference also fails to teach the technique called for in claims 16-18. For this additional reason, claims 16-18 are allowable over Brady.

Claim 21 is directed to a system with mean-plus-function limitations similar to those of claim 1. Hence, claim 21 is believed allowable over Brady for the reasons provided for allowing claim 1.

Rejection of Claims Under 35 U.S.C. §103

Additionally, in the Office Action, claims 10, 11, and 19 were rejected under 35 U.S.C. § 103(a) over Brady. This rejection is respectfully traversed. Claims 10, 11, and 19 depend from claims 1 and 15 and are believed allowable as depending from an allowable base claim.

Appl. No. 09/711,946
Amdt. Dated June 23, 2004
Reply to Office Action of May 3, 2004

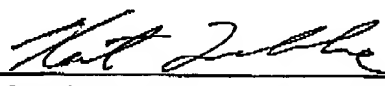
Conclusion

In view of all of the above, the pending claims are believed to be allowable and the case in condition for allowance.

No fees are believed to be required with this Response but should any be required, please charge Deposit Account 50-1123.

Respectfully submitted,

June 23, 2004
Date



Kent Lembke, Reg. No. 44,866
HOGAN & HARTSON LLP
1200 17th Street, Suite 1500
Denver, Colorado 80202
Telephone: (720) 406-5378
Facsimile: (720) 406-5301